

BS99047

U.S. Application No. 09/417,051 Examiner BUI Art Unit 2611  
Response to January 31, 2005 Office Action

### **REMARKS**

In response to the Office Action dated January 31, 2005, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee respectfully submits that the claims as presented are in a condition for allowance.

The United States Patent and Trademark Office (the "Office") restricted this application to claims 6-17 and 22-25. Claims 6-17 and 22-25 were then rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to Freimann. The Assignee shows, however, that the pending claims are patentably distinguishable over *Freimann*, and the Assignee thus respectively submits that the pending claims are ready for allowance.

### **Cancellation of Claims 1-5 & 18-21**

The United States Patent and Trademark Office (the "Office") restricted this application to claims 6-17 and 22-25. The Assignee desires to move this application toward allowance, so the Assignee herein cancels the withdrawn claims 1-5 and 18-21.

### **Rejection of Claims 6-10 under 35 U.S.C. § 102 (e)**

The Office rejected claims 6-10 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to Freimann. A claim is anticipated only if each and every element is found in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). See also DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the amended claims distinguish over *Freimann*. The reference to *Freimann* does not anticipate the pending claims, so the Assignee respectfully requests that Examiner Bui remove the 35 U.S.C. § 102 (e) rejection of claims 6-10.

*Freimann* does not anticipate claims amended 6-10. While *Freimann* discusses some terms in the claims, *Freimann* does not teach all the features of the claims. Claim 6, for example, recites "a single segment data structure per segment of the EIT data, each segment

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*data structure comprising a start time for each segment, a number of events within each segment, and an event instance table pointer.*" The patent to *Freimann* is entirely silent to such features. Moreover, claim 6 further recites "*an event instance table*" that stores "*unique information for a particular instance of each event*" and an "*event data structure storing common information for multiple instances of the same event.*" The patent to *Freimann* is again entirely silent to such features.

Examiner Bui is correct — *Freimann* discusses a pointer. *Freimann*, however, uses pointers 1) when filtering packets and 2) when determining whether a section of packets has already been received. *Freimann* does not use pointers to "*unique information for a particular instance of each event*" and "*common information for multiple instances of the same event,*" as claim 6 recites. Moreover, *Freimann* fails to teach or suggest "*a single segment data structure per segment of the EIT data, each segment data structure comprising a start time for each segment, a number of events within each segment, and an event instance table pointer.*"

*Freimann*, then, does not anticipate claims 6-10. *Freimann* is completely silent to the use of pointers as claim 6 recites. Because *Freimann* is silent to such features recited in claim 6, *Freimann* cannot anticipate claims 6-10. The Assignee, then, respectfully asks the Office to remove the § 102 rejection and to allow claims 6-10.

#### **Rejection of Claims 11-17 under 35 U.S.C. § 102 (e)**

The Office also rejected claims 11-17 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to *Freimann*. The patent to *Freimann*, again, cannot anticipate claims 11-17. Claim 11 again recites several features not taught or suggested by *Freimann*. No where, for example, does *Freimann* teach "*creating a single segment data structure per segment of the EIT data, each segment data structure comprising a start time for the segment, a number of events within the segment, and an event instance table pointer pointing to an event instance table.*" As claim 11 further recites, the event instance table comprises "*an event instance data structure for each event in a segment, the event instance data structure storing detailed information for a particular instance of each event and an event data structure pointer.*" Claim 11 also recites "*an*

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*event data structure pointed to by the event data structure pointer, the event data structure storing common information for multiple instances of the same event.*" No where does *Freimann* teach or suggest such features. Because the patent to *Freimann* is silent to at least these features, *Freimann* cannot anticipate claims 11-17. The Assignee, then, respectfully asks the Office to remove the § 102 rejection and to allow claims 11-17.

**Rejection of Claims 22-25 under 35 U.S.C. § 102 (e)**

The Office also rejected claims 22-25 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to *Freimann*. The patent to *Freimann*, however, cannot anticipate claims 22-25. Claim 22, for example, recites a data architecture storing "*a single segment data structure per segment of the EIT data, each segment data structure comprising a start time for the segment, a number of events within the segment.*" Each segment data structure also includes "*an event instance table pointer pointing to an event instance table*" storing "*detailed information for a particular instance of each event*" and "*common information for multiple instances of the same event.*" Because *Freimann* is silent to such features recited in claim 22, *Freimann* cannot anticipate claims 22-25. The Assignee, then, respectfully asks the Office to remove the § 102 rejection and to allow claims 22-25.

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The reference to *Freimann* does not anticipate the pending claims. Because the pending claims are patentably distinguishable over *Freimann*, the Assignee respectfully requests that Examiner Bui reinstate the Notice of Allowance.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', is positioned above the printed name.

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